

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CURTAYASIA TAYLOR, :
Plaintiff, : 18cv1278
-against- : MEMORANDUM & ORDER
METROPOLITAN TRANSPORTATION :
AUTHORITY, *et al.*, :
Defendants. :

WILLIAM H. PAULEY III, Senior United States District Judge:

Plaintiff Curtaysia Taylor, pro se, moves for an extension of time to file a notice of appeal of this Court's December 27, 2019 Memorandum & Order denying her Motion for Judgment as a Matter of Law Notwithstanding the Verdict. (ECF No. 129 (the "Order").)

Pursuant to 28 U.S.C. § 2107(a), parties must file notices of appeal within thirty days of the entry of judgment. Bowles v. Russell, 551 U.S. 205, 208 (2007); Fed. R. App. P. 4(a)(1)(A). However, Federal Rule of Appellate Procedure 4(a)(5) provides that “[t]he district court may extend the time to file a notice of appeal if: (i) a party so moves no later than 30 days after the time prescribed by [Rule 4(a)(1)] expires; and (ii) . . . [the] party shows excusable neglect or good cause.”

This Court docketed the Order on December 27, 2019 and Taylor moved for an extension on January 27, 2020—just one day after a notice of appeal would be considered timely under Rule 4(a)(1)(A). Thus, Taylor satisfies Rule 4(a)(5)(A)(i). For excusable neglect under Rule 4(a)(5)(A)(ii), Taylor cites “[m]iscommunication from previous attorney's office handling the case on [her] behalf.” (ECF No. 130). This Court finds that the confluence of Taylor

proceeding pro se on appeal, filing her notice of appeal only a single day late, and purported miscommunications with her prior attorneys falls within the penumbra of excusable neglect under Rule 4(a)(5)(A)(ii).

CONCLUSION

For the foregoing reasons, Taylor's motion for an extension of time to file a notice of appeal is granted. The Clerk of Court is directed to terminate the motion pending at ECF No. 130.

Dated: April 21, 2020
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.